

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Kenneth Montz Mobley,

Plaintiff,

vs.

Commander Marvin Brown and Officer M. Del  
Castillo Reiten,

Defendants.

C/A No. 0:10-160-TLW-PJG

**ORDER**

The plaintiff has filed this action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983. Plaintiff, an inmate with the South Carolina Department of Corrections, alleges violations of his constitutional rights by the named defendants. Defendant Brown filed a motion to dismiss and/or for summary judgment on July 16, 2010. (ECF No. 17.) Defendant Reiten filed a motion for summary judgment on July 26, 2010. (ECF No. 23.) As the plaintiff is proceeding *pro se*, the court entered orders pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on July 20, 2010 and July 27, 2010, advising the plaintiff of the importance of motions to dismiss and for summary judgment and of the need for him to file adequate responses. (ECF Nos. 21 & 24.) The plaintiff was specifically advised that if he failed to respond adequately, the defendants' motions may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro orders, the plaintiff has failed to respond to the motions. As such, it appears to the court that he does not oppose the motions and wishes to abandon this action.

Based on the foregoing, it is

**ORDERED** that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file responses to Defendant Brown's motion to dismiss and/or for summary judgment and Defendant Reiten's motion for summary judgment within fourteen (14) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**



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Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE

August 31, 2010  
Columbia, South Carolina